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Russell, Isaac Franklin

Some American ideals

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# Some American Ideals

AN ADDRESS

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ON JULY 5, 1915

BY

ISAAC FRANKLIN RUSSELL, LL.D., D.C.L.

Chief Justice of the Court of Special Sessions  
of the City of New York

## Some American Ideals

INDEPENDENCE DAY suggests the greatness and grandeur of our country. It is a day for the statistician with his figures showing our enormous wealth in lands and manufactures, in railroads and shipping, in mines and metals. The historian today recalls the glories of the flag on land and sea for a hundred years and more; and the man of science rehearses the triumphs of peace and the heroic conquests of nature by those divinely called to reveal her treasured secrets to a waiting world.

There are some who think that words are greater than deeds and that American achievement has ever been less and lower than American ideals.

Costly as was the war of the Revolution to England in the mere matter of territory lost to the empire, yet, from another point of view, the war was, even to the mother country, an instructive and beneficent experience. For the success of the colonists in securing their independence taught English statesmen the true secret of imperial cohesion. Britain then learned the lesson that she could secure to her empire the permanency of its possessions only through a policy of justice to the colonists. Today, England could not hold Canada or Australia for a single month under such a scheme of taxation as was in force in America in 1776.

Washington illustrates America as the land of liberty and self-government. Lincoln represents America as the land of opportunity for individual achievement, and as the home of a common people who enjoy equality before the law.

We have had noble leaders in the art of war by land and sea. Grant, at Vicksburg, set at naught all military traditions, and established new precedents for other generations to learn and follow. American genius, at Hampton Roads, in the encounter of the Monitor and the Merrimac, brought in a new era in naval warfare with armor-clad battleships.

Today we have our problems in civil government and jurisprudence which are as perplexing to our statesmen as any that confronted the leaders of past generations.

The perils of unrestricted immigration by the yellow races of the Orient, and the poor and debased peasantry of southern Europe, have, to my mind, been unduly magnified. Compulsory education in the public schools will work out an assimilation of these foreign elements in due time.

The burning issues of the day are industrial, financial and economic. Our reliance for their solution is not on fleets and armies but in American reverence for law. Our constitutional system guarantees to all, irrespective of race, creed or birth, the right to life, liberty and the pursuit of happiness, and the equal protection of the laws.

Americans believe in education for every son and daughter of the republic. Call the roll of the millionaire founders of American colleges

and universities: Girard, Johns Hopkins, Leland Stanford, Rockefeller and Carnegie. Match these names, if you can, in the history of any other nation. In Russia less than fifteen per cent of the population can read and write, and in Germany and even in England, the higher education is regarded as the ornament and pride of the rich and noble, and not as the lawful heritage of the son of toil, or as within the hopeful aspiration of the poor and lowly. In America the taxpayer, with cheerful munificence offers high school education, and, in the Western States, even a college training to all who will apply. This noble metropolis of New York City maintains institutions of college rank for young men and women where tuition is free: while its total annual outlay for the maintenance and extension of public education reaches figures that are simply colossal, approximating forty million dollars.

Poverty no longer obstructs the man of ambition from advancing to a place in the learned professions. Wealth and ancestry no longer guarantee success to the half-educated and incompetent. The bold surgeon, in mad daring cutting up his human victim, may get a great name through luck; the sensational pulpiteer may win a wide repute through making vulgar the noblest theme that any speaker has; the trickster at the bar may prevail with court and jury by buying testimony in the open market, or sharing with the felon the spoil of crime. But all these men will fail at last; and their money, while it may corrupt their contemporaries, can-

not purchase the plaudits of posterity, or raise them above their own low level.

Education in America in these later years has advanced beyond the ecclesiastical influence by which it was long dominated and beyond the ecclesiastical curriculum to which it was so long limited and restricted.

Americans believe in the dignity of labor. Occasionally we find a man who has a constitution that will stand a great deal of rest. Sometimes we see a young man who spends his time looking upward. But that will never enable him to climb the ladder of fame: he must add perspiration to aspiration if he would reach the top.

Rest is so generally preferred to labor, that in the long phrases of the Fourth Commandment, forbidding the pious Hebrew to do any work on the Sabbath, many neglect to notice the stern call to toil found in the words "Six days shalt thou labor." Labor is indispensable to the development of the highest type of human character. The necessity for toil, under which humanity in general is placed, is a kind and merciful arrangement of a benignant Providence. Labor is the basis of wealth. But labor is generally regarded as irksome and fatiguing, while leisure is welcomed as affording an opportunity to cultivate the graces and amenities of life, its hospitality, arts, letters and religion. But in a scientific no less than a moral sense toil is a blessing. There is, we know, a merciful ministry in evil, in sickness, bankruptcy and bereavement, teaching us lessons of self-control through the fierce discipline of sorrow. Ease, rest and contentment are strangers in these northern lati-

tudes, and are found only in the lazy life of the tropics where the bread-fruit drops into the lap of indolence and the natives are drowsily dreaming away the years.

In toil we forget ourselves and the narrowness of selfish ambitions; in toil we forget our griefs and pains and think only of doing our present duty well. Employment of active faculties is so necessary to health and happiness that we demand it for the convict in the felon's retreat, and in our visions of the hereafter impose it upon the saint who has made sure of his salvation and reached his heavenly home.

In America we believe in getting rich, and in getting very rich. This is not ominous of danger to personal liberty and equality before the law in a land of universal suffrage, trial by jury and an elective judiciary. More to be feared than the swollen fortunes of our millionaires are those economic heresies which lead to discontent and envy of the rich and a crusade against wealth, despoiling the frugal of their savings. No man certainly can make a million dollars in a life time by laying brick or carrying a hod; but a million a year or even more may be exacted as reasonable pay for brain labor in organizing, distributing and recombining capital. Scientific opposition to trusts has about vanished, many evils of high capitalization are seen to be visionary, and nobody is compelled by law to buy watered stock unless he wants to do so.

Wealth may be entrenched behind constitutional barriers. Slavery was once so entrenched; but unpaid labor has disappeared forever. No one now doubts the constitutionality of an in-

come tax or progressive inheritance tax. The rich man's palace, like the cottage of the poor, falls in the pathway of the right of eminent domain. And in many another way democracy is entering upon its just inheritance.

Democracy and equality cannot mean that wealth should be robbed of its influence, and that majorities in voting bodies should confiscate the savings of the poor. Nothing is more senseless than a crusade against wealth. My advice to young men is "Get capital. Do not be hard on the millionaire. Put yourself in his place as soon as you can." It cannot be a crime to be rich, or to employ labor at whatever price the laborer will take for his toil. Economically there is no such thing as over-capitalization; for the value of any business plant and establishment is not what it cost to set it up, but what it can produce through its earning power. The benignant spirit of our industrial organization is displayed in the fact that the miser who would accumulate selfishly, must, perforce of circumstances, lend to the needy; and the mean man, who lives parsimoniously and makes judicious investments of his surplus, is a greater benefactor than the prodigal who scatters his substance lavishly.

Americans learn from the example as well as the precept of great men. The man of letters, who says that he who writes for money writes with a false aim, is apt himself to exact the highest royalties. The lawyer, who tells his son just admitted to the bar, to be a priest in the temple of justice, or a courageous combatant, finding stimulus in the dear delight of battle, is

sure to do himself justice when he asks for his retainer.

After all, may we not usefully gauge the successful output of effort by its pecuniary reward? If a man says, "I am great," may we not ask him how much the public pays annually in proof of this?

I do not hesitate to advise young men to work for money, and to accumulate capital. Raw material is necessary for the texture of the finest fabric. So, taking our country as a whole, and our national life as a single evolutionary period, we must agree that Americans have been wiser to master, first, the material conditions on this new continent. In this regard Carnegie and Rockefeller have been models of proper conduct in giving, first, undeviating attention to accumulations from our vast natural resources in oil and iron, and, secondly, in laying these princely fortunes on the altar of humanity in devotion to art, science, music and literature.

In America we reverence the law. And this is our only hope. For law is here of democratic origin. In the Far East law is overlaid with sacerdotalism and is expounded by priests. To certain Europeans law represents the wishes of aristocratic and military classes. *Sic volo sic jubeo* is the motto of the German Kaiser; and his army is a royal, not a parliamentary army. Even in England we meet the doctrine that Parliament is omnipotent. Parliament can take A's property and give it to B; and Parliament has done this a hundred times and more.

In the United States we have established the principle of judicial veto. Statutes that are un-

constitutional are pronounced void by the courts. Magna Charta might be repealed by Parliament in England, but in America its provisions are embodied in the fundamental law; and the 39th chapter of this Great Charter, in medieval law Latin, is undoubtedly worth more to our citizens and to each of them than all the Greek and Roman classics.

It is easy to get an erroneous view of law. Panegyrists have characterized the law as the perfection of human reason. "Her seat," says Hooker, "is the bosom of God; her voice is the harmony of the world; all things in heaven and earth do her homage, the very least as feeling her care, and the greatest as not exempt from her power." The modern evolutionist, in scoffing scepticism, ascribes the glories of creation to what he calls law, and joins the pious Montesquieu in asserting the mystic doctrine of our present day faith that God himself is bound by law, the law of perfect righteousness.

Socialistic agitators and those who lead the hosts of discontent in our great cities are constantly clamoring for more law—law to create capital, to raise wages, to reduce the hours of toil, to abolish competition, and promote virtue, economy and temperance. Much legislation is undoubtedly needed to repress monopolies, to tax swollen inheritances, to regulate public utilities and to safeguard the life and health of the toiling masses. But the province of government has its frontier. An unjust tax on capital may only result in driving our millionaires into exile. Punishing the usurer and decreasing the lawful rate of interest may simply withhold from

legitimate industry its reasonable credit and accommodation. Reducing the hours of toil may be only a new tyranny over laborers and a denial to citizens of the freedom of contract. Sumptuary enactments in the interest of morals and religion may and usually do prove to be either futile or mischievous.

The socialistic tendency of the day may be the most impressive and significant sign of the times. Many astute observers so think. All competent critics are agreed that the annual product of land, labor and capital is not equitably distributed. But there is no occasion for alarm. One hundred men and more are now dividing and enjoying the fortune of old Commodore Vanderbilt. The sons and grand sons of the socialist leaders of a generation ago are among the capitalists of today. The descendants of wage-earners in forests and mines, in mills and factories have developed into the bloated bondholders of our banks and exchanges.

Chief among the rights of man is justice. Without justice we live under a degrading despotism. If we only grant justice to the laboring poor we can reduce our contributions to charity one-half. Without justice alms is a mockery. Bread and fuel, doled out by a millionaire in ostentatious philanthropy from his store accumulated in fraud of others, only embitter the lot of the poor. Decisions of courts cannot be brought and sold like merchandise, a contract not to sue one's neighbor is void, and man's right to justice is priceless and alienable.

To the Orientalist law appears as a divine revelation of eternal truth, guarded and ex-



pounded by a priestly class, generally for money; to the war-ridden masses of continental Europe it is the will of a king, ruling by divine right; but to Anglo-Saxon freemen it has become a principle of voluntary action adopted for self-government by a democratic society.

So law in a democracy is not the philosophy of what is eternally and divinely right, but rather the expression of what is best adapted to the present needs of society. The mission of law is not to work out the perfection of individual character, but rather to secure personal liberty to the individual in his struggle for better things and his advance toward the ideal of human achievement, a goal ever-retreating and which he can never reach.

Europe today is an armed camp. England needs a fleet equal to all the fleets in Christendom. Germany demands three or four million soldiers to be ready for war at a moment's notice. France, with a decreasing birthrate, demands three years' military service of every young man. But England is in the throes of an industrial revolution; consols are at the lowest level, socialism triumphs in the House of Commons, the legislative power of the peers has vanished, while all the organs of public opinion demand increased appropriations for naval armament. Germany, meanwhile, maintains its military prestige by degrading the peasantry and sending wives and mothers into the fields to plant and harvest crops, and into the streets of the city to sweep the pavements and tend the switches of the trolley cars.

"Arms and the man" was the theme of Homer

and Virgil. Our modern halls of fame devote most of their niches to those who fight and kill. A Roman triumph was the most gorgeous of barbaric pageants. It represented the lust of conquest which never ceased to dominate the Eternal City till the world was at her feet. But Rome's best legacy to our present age was her imperial law—that law which subdued the fierce barbarians who overran the empire, that crossed deep seas to distant continents, and that conquered where the legions were overthrown.

Today the cost of armaments has reached figures unparalleled for greatness. Fifteen million dollars is the cost of the "Arizona," our newest battleship. Seventy-two per cent of our national revenue goes for war-like preparations. And still we are unprepared.

But we may still hope. Behold our ex-President, the gallant Colonel Roosevelt! Aye, there's a man. What eulogy can overstate his virtues, his intense passion for justice, liberty and right, his resplendent patriotism and glowing enthusiasm for humanity? It was these qualities that made him hope when all the world despaired, and enabled him to bring out of the darkness and gloom that had fallen on Manchuria the glorious light of the peace of Portsmouth.

I love to see him pictured everywhere—in the garb of a Rough Rider, as a citizen representing the strenuous life, or in the robes of an Oxford don. They say he shot a man at Santiago; and when the orders came to him to take a hill, somewhere in San Juan's wide field, he did not stop to ask its name, but promptly drew his sword, rallied the Rough Riders at his command, stormed

the citadel and drove the Spaniard from the heights. How heroic was the gallant colonel then, a belted knight indeed, with spurs and epaulettes, in army boots and blazing uniform! But I love to think of Roosevelt not as the demon of war in Cuba, but as the angel of peace in Manchuria, walking in quiet majesty between two angry armies of a million each, lined up for murderous duel, disputing to the death the empire of the East. Roosevelt in the history of Russia and in history of Japan is the most majestic figure of the century, and heralds to a war-weary race the dawning of the morning "when the war-drums throb no longer and the battle flags are furled, in the Parliament of Man, the Federation of the World."

Americans believe in peace, progress and prosperity; in liberty, equality and fraternity; in justice and due process of law. Moreover, they breathe the atmosphere of hope; they shout the ringing note of optimism, and hail the joy of a better day to come. We Americans are like the Puritans of New England, and the prophets of old Israel: we feel that we are the chosen people of God—chosen to teach constitutional freedom to all the nations of the earth.

There are battles for the right yet to be fought—and fought, let us hope, not on fields of blood, but in the arena of reason. The safeguards of liberty must be re-established and strengthened, the accumulations of honest industry must be sheltered from rapacious raids; and the humble hoard of the poor and the funds held in holy trust for the widow and orphans must be released from the grip of the grafter. America

has in the past taught mankind great truths about the moral order of the world; her future task may be to teach, by precept and example, great lessons in the art of peace, in the diffusion of sound learning and in the establishment of social justice among men.

This social evolution, like the evolution of the common law, is to follow the pathway of economic necessity. The man of the sword must give way to the scholar with his book. In a democratic republic, based on manhood suffrage, questions of policy must ultimately be settled by reason and intelligent human action. The day of force among nations must some time pass away. At least, let us so hope and pray.

Today we are citizens of a world-state. Mr. Carnegie has given ten million dollars for the cause of perpetual peace; the last forensic triumph of Mr. Elihu Root was in making a plea for justice before a court of nations. Today we note the hurricane of death, the waste of anarchy, the tragedy of horrors that accompany the European war. Let us hope for the future that whatever troubles may arise in the family of sovereign and independent states, in place of the old barbaric cry "To Arms" our children and their descendants will hear and heed the peaceful summons of a world-tribunal, "To The Hague."

America's true policy is to pursue the pathway of peace, to arbitrate such international controversies as may arise, and to rival our sister nations only in the arts of commerce and the orderly evolution of advancing civilization, based on justice and the equal liberty of all.

There will be no lack of leaders. A kind

Providence that has presided over the destinies of the American commonwealth, the God that in due time raised up Washington and Lincoln and Grant, will in these later days bring forward the successors of McKinley, Roosevelt and Wilson, that our fathers shall not have lived in vain, and that constitutional government shall never perish from the earth.

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